



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#17  
04/26/02  
AS

In re application of:

Christian KUNERT et al.

Group Art Unit: 1731

Serial No.: 09/943,739

Examiner: unassigned

Filed: September 4, 2001

For: DEVICE AND PROCESS FOR INTRODUCING GASES INTO A HOT MEDIUM

DECLARATION UNDER 37 C.F.R. § 5.25(3)

RECEIVED  
APR 19 2002  
TC 1700

The Honorable Commissioner  
of Patents & Trademarks  
Washington, D.C. 20231

Sir:


1. I, Dr. Stefan Peter, am a member of the Patent Department of Schott Glas, Mainz, Germany since May 1, 1998.
2. The subject matter of German Application 100 43 872.5 was not under a secrecy order at the time it was filed abroad with the Patent Office in Germany and is not currently under a secrecy order.
3. Through error and without deceptive intent, German Application 100 43 872.5 was filed with the Deutsche Patent Office without having first obtained a foreign filing license under 37 C.F.R. § 5.11.
4. The invention disclosed in the German patent applicaiton was first made in Germany, tested in the United States, and subsequently further inventive elements were added in the United States by two inventors, Mr. Alfred James Thorne, and Paul Joseph Finnerty, both citizens of the United States. Although I knew that a contribution to the invention had been made in the United States, at the time of filing in Germany, I was not aware that a foreign filing license must be obtained from the U.S. Patent and Trademark Office to file an application in a country other than the U.S. if the invention was partially made in the U.S. Consequently, I filed the application in Germany, without obtaining a foreign filing license from the United States Patent and Trademark Office.
5. One year later, on September 4, 2001, an application was submitted to the United States Patent and Trademark Office (PTO hereinafter) claiming priority to the German patent application. The PTO granted a foreign filing license on the application.

6. On January 22, 2002, I became aware for the first time that there might be a problem because I was informed by a colleague in our department that I had to file the application first in the U.S. if a contribution to the invention had been made in the United States. I confirmed that this was a problem later that day in a phone call with Millen, White, Zelano & Branigan, P.C.

7. Thereafter, draft statements were prepared and subsequently finalized.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; furthermore that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

15/04/2002  
Date

  
Dr. Stefan Peter